App F IX 4

Previous References

1948-49
(Ml)

File No 58-48
Serial Nos 25, 26, & 27

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

(P) 43/E

Part B for Nov '48

SUBJECT

Petition of Sri T D Dasappa against the order the President, Tarikere Town Ml Cl declaring the Seat of Sri T D Dasappa in the Ml Cl as vacant

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To The D C, Chickmagalur Dt
No L 5551/D 23-11-48
Sets aside the orders of the Ex-officio Presdt

To The Presdt Tarikere T Ml Cl
Memo No L 5552/D 23-11-48

To Sri T D Dasappa, Ml Clr, Tarikere
No L 5553/D 23-11-48
Issues an endorsement

To The D C, Chickmagalur Dt
Presdt T Ml Cl, Tarikere
Memo No L 5554-5/D 23-11-48
Kde

1199/ml
1200/ml

:-1

Subj. petition by Sri T O Ramappa re setting aside the orders of the ML president

Petitions dated 9-8-68

addressed to the Minister for L S G by Sri T O Ramappa, Tarikere, praying for a stay order and setting aside the order of the ML president Tarikere in the matter

1) Orders of the Minister for L S G.

" please put up the file "

(Sd) Rc
9/8/68

" Issue stay order pending formal orders by Govt on the appeal "

(Sd) Rc
9/8/68

2) No files are available in Govt

3) Draft letter to issuing the stay

Amended
11/8

Endorsement
Stay appln
11/8

1199/md
1200/md

i-1

Suit petition by Sri T D Ramappa
re: setting aside the orders of the
ML president

Petitions dated 9-8-68
addressed to the Minister for L S G
by Sri T D Ramappa, Tarikere, praying
for a stay order and setting aside
the order of the ML president Tarikere
in the matter

1) Orders of the Minister for
L S G,

" please put up the
file "

(Sd) Rc
9/8/68

" Issue stay order
pending final orders by
Govt on the appeal ",

2) No files are available (Sd) Rc
in Govt 9/8/68

3) Draft letter to the D C Chikmagalur
issuing the stay order as put up for appvl.
By 11/8 An endorsement to the party to also put up
for Dy. Secretary's signature.

petition of Sri T Devadasappa of Tarikere -

4) Issue notice

12 original
1767 Ford

EL 1465
12/8/68

for
12/8/68

To

The D C Chickmagalur Distt

The President Tarikere Municipal
Sri T Devadasappa
L No 1463-65 / 12-8-68
Issues stay order

Sent with
C W

From

The D C Chickmagalur Distt

No A3 C 731/68-69 Dt 28-8-68,
reports that ~~the~~ further proceedings have
been stayed

5) The D C reports that
according to the stay order issued
on 12-8-68 further proceedings in
the matter have been stayed

6) A ~~further~~ detailed report
may be awaited on the contentions
of the petitioner

7) Pl: await receipt of report Sd 1/10/68

for
20/9/68

Ayn
15/9

Fr
17-9-68

Petn of Sri T D Basappa against the declaration of his seat in the Mg Tankere as vacant

1767/ms
2614/mal

From

The President, Tankere, Town

Mlc NW D.I. 20/48-49 of 21st Sept 48

Submits a detailed report in the matter

8) The president reports that a sum of Rs 48-11-0 was due from Sri T D Basappa towards House, land and shop tax for the years 46-47 and 47-48 on 23-2-48 special notices were issued to him, as to other defaulting Councillors

9) After the issue of the above notices, a sum of Rs 37-9-0 was paid by Sri T D Basappa on 7-5-48, leaving a balance of Rs 11-2-0

10) A period of 3 months elapsed on 29-5-48, and Sri T D Basappa stood as a defaulter for the balance of Rs 11-2-0

11) Consequently he was declared,

4 petition of Sri T D Ramappa against the declaration of his seat in the Mysore Taluka as vacant

---

as legally disabled from continuing ~~as~~ 1763 Mysore for as a Municipal Councillor, under Sec 12-(2)(e) the T-M Act of 1933

12) The contention of the petitioner is, that the sum of Rs 1-2-0 only towards the profession tax was due by him; and Rs 10-00 was the excessive profession tax, and he further contends that the site was sold by him to Sri Ramappa so he was not responsible for ever the tax of 1-2-0

13) The president states that the Mysore had no notice of the said transfer of site to Sri Ramappa, as the date of issuing notices, and the fact was only known on 12/6/43 As the khata was not transferred, Sri T D Ramappa was held responsible for the payment of the said tax

14) The registered document executed effecting the sale was assessed on 19-6-1943 Though it was 11 years back

petition of Sri T V Ramappa against the declaration of his seat in the Mysore Taluka as vacant

1767 /mf
2614/mf

the sale was effected, the khata was not changed, but the petitioner held by the Pet tobe is primarily responsible for the payment of the said tax

15) Sri T V Ramappa has also paid the site tax from the year 1944-45 to 45-46 though the sale was effected on 19-6-44 The arrears of site tax i.e Rs 1-2-0 was paid by Sri T V Ramappa on 12-6-48

16) Sri T V Ramappa represented that the shop tax is excessive and may be reduced, as it was enhanced from Rs 15 to Rs 20 of Such petitions were received from a number of people of the place All the petitions were considered and the tax reduced on 3 6 48

17) The president pleads that the enhanced shop tax was in force on 29-5-48 and a sum of Rs 10 of so as was due from the petitioner on that date and the petitioner was considered as a defaulter and action was taken under

2414/mL

Subd

28) The file relating to the Petition of Sri T D Dasappa regarding declaration of his seat in the Tamaluka Town MC as vacant, is herewith put up as per Journal instructions of the Secretary

HOV
5/11/48

Reverted for
5/11/48

TH MINISTER FOR LOCAL SELF GOVERNMENT
No 2103
Date 5 11 48

29) It is very clear as at para 19 supra that Petitioner Sri T D Dasappa is ~~not~~ not disqualified from continuing as a Councillor the DC may be requested to submit his report ~~asked~~ called for immediately so that Sri T D Dasappa may be enabled to continue.

5/11/48

6/11

30) Mr Mahadeva Dft letter attached

31) Submitted with a DO letter 6/11/48 to the DC Chuck Megalamma for approval
Mr. 6/11

32) Approved
6/11/48

Petn of T V Ramappa - regarding the order of the pdt declaration of his seat in the Mysore Assembly

To

The Dy Commr Chickmagalur Dist
L 4960 /6-11-68 -
calls for the report early

From

Sri T V Ramappa, Tarikere
Dt 15-9-68 - requests orders on his petition

33) Orders of the Minister for L-S A

" please put up the file if received or get a report from the Dy Commr Chickmagalur (Ind) Re.
19 9 68

From

The Dy Commr Chickmagalur Dist
No A3 C 731/67-68 Dt 10-11-68
submits his report in the matter

34) The contentions of the petitioner in brief are - that the against the order under Rule 12 (3)(a) of the MC Act sum of Rs 10/- being the balance of

petn of Sri T Ve Basappa of Tarikere against the declaration of his seat in the Town Mc cl as vacant

—

3670/M1

Shop tax for the years 46-47 and 47-48 based on the enhanced rate of shop tax was a wrong demand and that balance viz Rs 1-2-0 was due from Sri Basappa to whom he has transferred the site in question during the year 1944

35) The Deputy commissioner States that the question of reconsidering the levy of revised rates of shop tax was actually pending before the Mcl till 3-6-48 Subsequently it was resolved to be reduced, therefore it was a wrong demand, and the contention Sri T Ve Basappa can not be Considered as a defaulter in respect of the said amount of Rs 10/-

36) With regard to the arrears of assessment on the site which was the name of the petitioner and subsequently transferred to Sri Basappa Written notice of the transfer under sec 73 (1) of the T P Act was not given But as seen from the records that the matter

petition of Sri T Ve Annappa of Pantlur against the declaration of his seat in the Mysl Council

of transfer was intimated to the Bill collector on 7-5-48 which was admitted by him. This question was referred to by the Mysl Councillor on 12-6-48

33737/47
3670/47

37) The Ce is of the opinion that there was ample time for necessary enquiry, but the order has been passed without considering this aspect, and further states that the order of the Ex-officio president, Tarikere Town Mcl which seems to have been based apparently on the position of the councillor at the expiry of 3 months time from the date of the special notice, has affected the councillor

38) Submitted for orders with reference to para 29 and 33 supra

Any
.10/11

39) Repee para 29 supra

The opinion of the Dc Chik Ranga Gowda Dist
may be accepted for the order of
the S.D.O. Tarikere (Ml President Council)
dated 16.7.48 declaring the

Flag
P.W.D

3373 V3620

Sent of Sri T D. Dasappa as Vacant on the Tarikere Town Pl el Set aside. It is apparently ultra vires & cannot be upheld

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 2318
Dt 22/11/48

reasons 2 & 3 of Despatch

received 18/11/48

Minister L.S.G.

40) For orders
8
19/11/48

41) As there are not sufficient grounds to disqualify Sri T D Dasappa the order of the Ex officio President Town Pl el Tarikere dated 22nd July 48 disabling him from continuing on the Pl el is therewith set aside & Sri T D Dasappa has been declared as not to have been disabled to continue in the Pl el as a Councillor

Re
19/11/48
8
22/11
Asstt

42) Submitted with a draft letter to the Dy. Chief Secretary to Govt. for approval
Asstt
25/11

Immediate

Secret

28/11/48

86 27) To The D.C. Chikmagalur Distt

No L 5551-52/mf 58-48-28 Dt 25-11-48

The orders of the Executive President

Tamilnad Govt set-aside

Endorsement to Govt-Dasappa

L 5553/mf 58-48-27

B
28/11

under instructions from the Revenue Secretary, the following telegram was issued by the President, Tamilnad Government

Time 2 PM

"Das-appa eligible continue orders issued Commissioner yesterday"

from
24/11/48

28/11

Immediate No L 1463/E
12/8/48

To

The D-C Chickmagalur Dist

Subj petn of Sri T D Basappa against the declaration of the seat of Sri T D Basappa as vacant in the M[illegible] of Tarikere, as vacant in the M[illegible] of the M[illegible] President Tarikere

Sir,

With reference to the appeal petition, and the stay petition forwarded herewith, dated 9-8-48, against the orders of the President Tarikere M[illegible], I am directed to state that a report on the subject matter may be submitted early and that the further proceedings in the matter may be stayed, pending final orders of Govt on the appeal petn.

A very early reply is requested

The appeal petns may be kindly returned with your report

L. 1464/48 Copy forwarded for information and necessary action to the President, Town Municipal Council, Tarikere

By Order

for Secretary to Govt

for Revenue Secretary

Asst Secy to Govt
11/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No Immediate L.1469/6

General and Revenue Secretariat

Dated Bangalore 12 August *1948*

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department

To

The Deputy Commissioner,
Chickmagalur District

SIR

Subject:- Petition of Sri T D Dasappa against the declaration of his seat in the Municipal Council, Tarikere, as vacant by the unicipal President, Tarikere

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In forwarding herewith the appeal petition and the petition for stay of further proceedings in the above matter dated 9th ~~August~~ August 1948, I am directed to request that a report thereon may be submitted very early and that the further proceedings in the matter may be stayed pending final orders of Government on the appeal petition

The two petitions may be kindly returned along with your report

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- Syed Abdul Aleem

Secretary to Government
Revenue Department

Memo No L 1469
Dated, Bangalore the 12-August 1948

Copy of the above is forwarded with compliments for information and necessary action to the President, Town Municipal Council, Tarikere

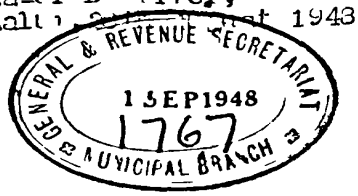
By Order,

Secretary to Government
Revenue Department

GRJ

MR 1767

Office of the Deputy Commissioner,
Chikmagalur District,
Dated, Chikmagalur, the 1948



No M3 C 761/48-49

To

The Secretary
to Government of Mysore,
Revenue Department, Bangalore

Sir,

Re - Stay Order issued by the Government on the Petition of Sri I D Deraj a of Tarikere -

1199 1200

Adverting to your letter No L 1463 dated 12th August 1948 on the above subject, I have the honour to state that it is reported by the President, Town Municipal Council, Tarikere, that further proceedings have been stayed as instructed by the Government The petitions received from the Government have been forwarded to him for a detailed report on the contentions of the Petitioner

I have the honour to be,
Sir,
Your most obedient servant,

Dy Ramanadaiya

Deputy Commissioner,
Chikmagalur District

I M3/2

6

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Ref No 6 C20 / 489
Encl

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
TARIKERE Dated 21st Sept 1948

From

T. [redacted]
PRESIDENT
TOWN MUNICIPAL COUNCIL
TARIKERE

To

The Secretary to the Government of Mysore,
Revenue Department,
Bangalore

Sir

Subject - Petition of Sri T D Dasappa against the declaration of his seat in the Municipal Council, Tarikere as vacant

---

Adverting to your letter No L 1463 dated 12-8-48 addressed to the Deputy Commissioner, Chikmagalur District, calling for a report on the above subject, I have the honour to state as follows -

1 Under section 12 sub section 2 Class (e) of the Town Municipalities Act, action has been taken against Sri T D Dasappa as he had failed to pay the balance of the Muricipal tax of Rs 11-2-0 due by him within three months from the date of the service of a special notice on him

2 In accordance with the records of this office a sum of Rs 48-11-0 was found to be due from Sri T D Dasappa towards house, land and shop tax for the years 46-47 and 47-48 Special notices were issued to all the councillors including Sri T D Dasappa for the taxes due from them on 23-2-48

The special notice was served on Sri T D Dasappa on 29th February, 1948 He paid a sum of Rs 37-9-0 on 7-5-48 leaving a balance of Rs 11-2-0 A copy of the special notice is enclosed herein for reference The specified period of three months lapsed on 29-5-48 and he stood as a defaulter for the balance of Rs 11-2-0 on the said date Consequently the orders were passed declaring him legally disabled from continuing as a Muricipal Councillor in accordance with section 12(2) (e) of the Town Municipalities Act 1933

5

3 It has been stated by Sri T D Dasappa in his petition that the balance of Rs 11-2-0 was not due from him because a sum of Rs 1-2-0 was a tax on a site which had been sold by him to one Bannappa and Rs 10/- was execessive shop tax

a) According to the records of the office and special notice, the sum of Rs 1-2-0 was due from Sri T D Dasappa being the tax on site No 1566 for the years 46-47 and 47-48 at the rate of annas 9/ per year The Municipal Council had no knowledge of transfer of the site to the said Bonnappa on the date of fixing the demands for the years referred to, nor the office had any notice of transfer to cause the change of khate to the name of the purchaser The fact that he had sold the site to one Bonnappa was learnt by the office only on 12-6-48 from the petitioner in writing The petitioner in his petition dated 12-6-48 has stated that he had said this fact to the Bill Collector who has represente that Sri T D Dasappa mentioned to him about the sale of the site on 7-5-48 but he was not given full particulars of the purchaser In absence of the notice of transfer, written or otherwise, the Municipal Council could not consider any person other than Sri T D Dasappa as primarily responsible to pay the site tax while passing the demand for the said tax

b) Further it is to be stated that unless transfer of khate of the site was effected, the tax could not be considered as due from said Bonnappa, the said purchaser

c) The perusal of the registered document effecting the sale, produced by the petitioner reveals that the site was sold on 19-6-44 The purchaser or the seller could have had sufficient time to give the notice of the transfer to the Municipal Council The failure to do it made the petitioner primarily responsible for the payment of the said tax under Section 76 (1) of TM Act 1933

d) The action of the council is also supported by the fact that though the site was sold on 19-6-44, the tax has been paid by Sri T D Dasappa during the years 1944-45 and 1945-46 on 30-4-45 and 12-6-46 respectively Again the said balance of Rs 1-2-0 for the years 46-47 and 47-48 has been paid by Sri T D Dasappa on

on 12-6-48

Thus the Municipal Council could not substitute the name of the purchaser of the site in the Municipal Registers for the recovery of the tax and the responsibility for such act rested with the petitioner himself

4 Regarding the balance of Rs 10/- out of Rs 11-2-0, Sri T D Dasappa had presented a petition on 15-3-48 requesting that the enhanced shop tax from Rs 15/- to Rs 20/- per year may be reduced The Municipal Council had enhanced the shop tax in the Town in general as known to the petitioner being a Councillor and a member of the Managing Committee which had considered the subject of the enhancement of the shop tax As the demand was passed by the Council and the amounts were collected However several petitions requesting for reduction of shop tax were received and placed before the Council, The question of reconsidering the revision of the shop tax levied by the Municipal Council was pending with the Council till 3-6-48, when it was reconsidered and reduced On 29-5-48 the enhanced shop tax was in force and the sum of Rs 10/- was due from Sri T D Dasappa Consequently he was considered as defaulter on the expiry of three months from the date of service of the special notice

For the above reasons, the office had to consider Sri T D Dasappa as defaulter for Rs 11-2-0 on 29-5-48 and apply section 12 (2)E under Town Municipalities Act, 1933

The two petitions forwarded with your letter and other enclosures accompany

I have the honour to be,
Sir,
Your Most Obedient Servant

President,
Town Municipal Council,
Tarikere

7

9

COURT FEE TWO RUPEES

THE MINISTER FOR LOCAL SELF GOVERNMENT

No 339

Dated

GENERAL & REVENUE SECRETARIAT 11 AUG 1948 1199 RAJAH PAL BRANCH

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

(Local Self Government Department)
Bangalore

10/8

PETITIONER -

Sri T D Dasappa,
s/o Dodda Venkataramanappa,
Devanga, aged about
61 years, Dist Board Member,
Land Lord and Cloth Merchant,
Residing in Tarikere Town,
Chikmagalur District

-Vs-

RESPONDENT -

Ex Officio President
Town Municipal Council,
Tarikere

Under SECTION XII, Clause 3 of the Mysore Town Municipalities Regulation 8 of 1933 the Petitioner above named begs to state as follows -

Please put up to file
9/8/48

Rev Secy
Advt
Mr Kotha
File Now

1 That the Petitioner is a respectable Land Lord and merchant residing permanently at Tarikere Chikmagalur District He has been a member of the Tarikere Town Municipal Council for the last twenty four years He is also a member of The Chikmagalur District Board and several other institutions in Chikmagalur He is also an income-tax Assessee and pays Kandayam in a sum of about Rs 300/- per year

2 In the last elections of The Tarikere Town Municipal Council, the Petitioner was returned after due contest from the Second Circle as a member of a Town Municipal Council and has been until now a sitting member in the said ~~Tkm~~ Tarikere Town Municipal Council

3 On 22-7-1948, the Petitioner has been served with an endorsement No K 161/47-48 dated 22-7-48 by the Respondent Ex Officio President, Town Municipal Council, Tarikere herewith produced, stating that the

Petitioner " Is disabled from continuing a Councillor and his office is treated as vacant as under Section XII, Sub Section II, Clause E of the Mysore Town Municipalities Act, the Petitioner has failed to pay the Municipal Tax of Rs 11-2-0, due by him on the Expiry of three months from the date of service of the said ~~of the~~ Special Notice "

4 The Petitioner begs to submit that the Order of the Respondent is illegal and opposed to the Mysore Town Municipalities Act

5 That on the Expiry of three months from the date 29-2-1948 of Service of Special Notice the Petitioner was not in arrears of any Municipal Tax due by him to the Municipal Council

6 That the Petitioner received on 29-2-1948 a Special Notice dated 23-2-48 demanding from him alleged arrears of Municipal Tax in a sum of Rs 48-11-0 Thereupon the Petitioner varified his dues to the Municipal Council and found that a sum of Rs 37-9-0 only was due legally by him, and that the demand of the Municipal Council was in excess by a sum of Rs 11-2-0 which consisted of Rs 5/- in excess for two years towards shop-tax due by him and Rs 1-2-0 being the site-tax for two years at As 9/- per year in respect of site bearing Old No 1607 New Number 1566 near Goraviah's Street, Tarikere Town which was sold away by the Petitioner to one Banappa, son of Chikkannana Sankarappa as early as on 19-6-1944 by means of a Registered Sale-Deed

7 That the Shop-tax due from the Petitioner annually was only Rs 15/- and when he received the SPECIAL NOTICE on 29-2-1948, he noticed that for the years 1946-47 and 1947-48, the shop-tax was enhanced

from Rs 15/- to Rs 20/- per year The Petitioner submits that this enhancement is not according to Law and no procedure as laid out in Chapter VII of the Mysore Town Municipalities Act 1933 was followed for the said enhancement When this was pointed out by the Petitioner, the Municipal Council at its meeting held on 3-6-1948 passed a resolution cancelling the enhancement of Shop-Tax and to collect the Shop-Tax for the years 1946-47 and 1947-48 at the rates prevailing in the year 1946-47 Thus it will be seen that the demand of Rs 10/- made by the Municipal Council in the SPECIAL NOTICE was untenable and the order passed by the RESPONDENT, Ex Officio President is admittedly opposed to Law

8 Soon after the Petitioner received the SPECIAL NOTICE on 29-2-1948, he found out the real dues to the Municipal Council and paid a sum of Rs 37-9-0 to the Bill Collector Srinivasa Rao on 7-5-1948 and stated to him that the shop-tax due from him was only Rs 15/- per year and that the alleged claim of Rs 1-2-0 towards the site-tax at As 9/- per year in respect of site No 1566 was not due from the Petitioner personally as the said site was already transferred to one Banappa son of Shankarappa who is lawfully liable to pay the said site-tax " Whenever such transfer comes to the knowledge of the Municipal Council either through a Notice or otherwise, after an enquiry, the name of the Transferee shall be substituted in the Municipal Registers for that of the person primarily responsible for the Municipal Tax ", under SECTION 75 of the Mysore Town Municipalities Act 1933 In this case in spite of such a Notice of Transfer, the Municipal Council did not act up in recovering the dues from the said Banappa The Order passed by the Respondent, Ex Officio President, in holding that the arrears of Rs 1-2-0 as site-tax was still due from

10

the Petitioner is opposed to SECTION 75 of the Mysore Town Municipalities Act, and the Order is liable to be set aside

9 That the Petitioner is a wealthy citizen of Tarikere Town and it was never his intention to retain any arrears due to the Municipal Council The Respondent Ex Officio President aught not to have come to a sudden decision without making enquiry into the bonafide dispute of the Petitioner in regard to his arrears The Act gives three months time after the service of SPECIAL NOTICE of arrears to a Municipal Councillor to enable the parties to adjust their accounts, and the Respondent Ex Officio President has acted against the spirit of the Act Even though the Transferee Banappa son or Shankarappa has offerred to pay the arrears of the site-tax due from him the Municipal Council has not so far acknowledged its receipt

10 That the order of the Respondent, Ex Officio President, is opposed to Law and Natural Justice The Petitioner is very much prejudiced by the said Order and craves for sympathetic consideration by the benign Government

WHEREFORE, the Petitioner most respectably prays that the Order dated 16-7-1948 of the Respondent, Ex Officio President communicated in his endorsement No K 161/47-48 dated 22-7-1948 may kindly be set aside and the Petitioner be declared not to have been disabled from continuing as a Councillor of Tarikere Town Municipality

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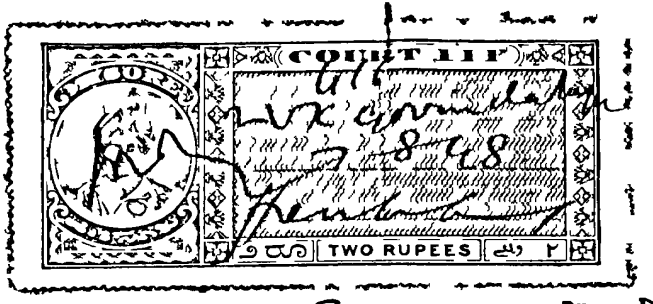
PETITIONER

BANGALORE CITY,

Dated 9 8 1948



Before the Government of H H the Maharaja of Mysore

~~In the Court of~~

BANGALORE

App No of 1948-1949

Petitioner

Respondent

T D Dasappa Vs The Ex-Officio President Town Municipal President Tarikere

1 I, the petitioner abovenamed do by these presents retain V K Govindarajulu Advocate Bangalore

to appear and conduct the above case on my behalf to judgment.

2 further empower them to do all necessary acts in the above case to execute any decree or order that may be pa sed in my behalf and to receive from the Court all decuments refund and all sums of money that may be entitled to get and grant receipts therefor to withdraw compromise or refer to arbitration the said suit to appoint a substitute or substitutes and perform all other matters and things relative thereto and connected therewith

3 also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing

BANGALORE
9/8/1948

Accepted
V K Govindarajulu
9/8/48

Advocate

ಟಿ. ಡಿ. ದಾಸಪ್ಪ

Personally known to me and signed in my presence
V K Govindarajulu

Advocate for Parties

K 161/47-48 Office of the President Ex-officio President Town Municipal Council, Jaffna, dated 16-2-48 References -

1) This Office Special notice dated 23-2-48 is served to Su N J D DaSoppa, municipal Councillor, Jaffna to pay Rs 48-11-0 being the arrears of municipal taxes within Three months from the date of service of the Special notice served on him on 29-2-48

2) petition of Su N J D DaSappa received on 15-3-48 objecting to the leavy of Rs 20/- towards Shop tax

3) petition of Su N J D DaSappa received on 12-6-48 objecting to leavy of Shop tax and also the tax on vacant Sale bearing No 1566 as he had sold the same already

4) proceedings of the municipal Council dated 28-6-48 requiring the president to pass order in this behalf

Order

I have perused the records. A Special notice was issued to Su N J D DaSappa, municipal Councillor on 23-2-1948 and the same was served on him on 29-2-1948 requiring him to pay the municipal tax (arrears) under Section 12(2)(c) of the Jaffna Municipalities Act. Su N J D DaSappa has paid Rs 37-0-0 towards the arrears. balance of Rs 11-2-0 is shown as outstanding against him after three months after the Service of Special notice on the municipal Councillor According to Section 12(2)(c) of the Jaffna municipalities Act, Su J D DaSappa is disabled from continuing as a municipal Councillor as he has failed to pay the arrears in full mentioned in the Special notice within three months after the service of the same It is contended by Su N J D DaSappa that he has objected to the leavy of Shop tax ~~on the assessed rate~~ within three months after the Service of the Special notice and as regards the arrears of tax

8) Compared by — K Ramesa Murthy
9) Date of delivery — 24 7 48

due on vacant [illegible] amounting to Rs 1-2-0, he says that he has sold the vacant Site No 1566 in question about two years back to one Banappa s/o Shankarappa and intimated the Bill-collector to recover the arrears due from him But there was nothing on record to show at the time of issuing the Special notice to infer that that arrears were not due by the municipal Councillor and in the absence of this intimation, he was liable to pay the same As he the Leavy of Shop tax at the enhanced rate, the municipal Councillor has not paid the same with in three months It was open to him to have paid the arrears in time.

It is clear, therefore, that the municipal Councillor has failed to pay a Sum of Rs 11-2-0 towards the arrears due by him with in three months after a Special notice is served on him The provisions of Section 12(2)(e) are mandatory Hence Sri T B. Basappa is disabled to be municipal Councillor and his office will be treated as vacant under Section 12 (2) (e) of the Town municipalities Act

(Sd) V Byreppa
Ex-officio-president
Town municipal Council,
Harihar

1) Name of applicant - Sri T B Basappa
2) Date of application - 23 7 48
3) Date on which copy was ready - 24 7 48
4) No of words - 566
5) Copying fees - 0 8 0
6) Comparing fees - 0 4 0
7) Copied by - Mitkeshwar

1 Copy

PRESIDENT
Town Municipal Council
TARIKERE
24/7

14 23

COURT FEE TWO RUPEES

GENERAL & REVENUE SECRETARIAT
11 AUG 1948
1200
MUNICIPAL BRANCH

THE MINISTER FOR LOCAL SELF GOVT ENT

No 340 Dec

10/8

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

(Local Self Government Department)
Bangalore

PETITIONER -		RESPONDENT -
Sri T D Dasappa, s/o Dodda Venkataramanappa, Devanga, aged about 61 years, Dist Board Member, Land Lord and Cloth Merchant, Residing in Tarikere Town, Chikmagalur District	-Vs-	Ex Officio President, Town Municipal Council, Tarikere

STAY PETITION

The Petitioner begs to state as follows -

1 That the Petitioner is a Respectable Merchant in Tarikere Town and has been a Councillor of Tarikere Town Municipal Council for about 24 years He is also a member of District Board, Chikmagalur

2 By an Order dated 16-7-1948, the Respondent, Ex Officio President has declared that the Petitioner has become disabled to continue as a Councillor and that his seat has become vacant

3 That steps are being taken for the holding of a Re-Election for the Petitioner's seat

4 That the Petitioner has this day preferred an Appeal against the order of the Respondent, Ex Officio President, and for the facts and grounds stated in the said Appeal, the said Order of the Respondent, Ex Officio President is not sustainable

5 That the Order of the said Respondent Ex Officio.

President is opposed to the provisions of the Town Municipalities Act and if the said Order is given effect to, the Petitioner will be put to irreparable loss

6 That by staying the Execution of the said Order and maintaining the Status Quo Ante, nobody will be prejudiced adversely

WHEREFORE, the Petitioner most humbly prays that the Respondent, Ex Officio President be directed to STAY taking action on his Order, pending disposal of the Appeal before the Government

BANGALORE CITY,
Dated 9 8 1948

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PETITIONER

Office of the Deputy Commissioner, Chikmagalur District,
Dated, Chikmagalur, 4th October 1948

No A3 C 751/48-49

2818/ml

To

The Secretary
to Government of Mysore,
Revenue Department, Bangalore

Sir,

Re - The petition of Sri T D Dasa, addressed to the Government regarding the Declaration of his seat in the Municipal Council, Tarikere, as vacant -

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In continuation of my letter of even number dated 27th August 1948 on the above subject, I write to state that the President, Town Municipal Council, Tarikere, has forwarded the report called for by the Government, in his letter No C C 20/48-49 dated 21st September 1948 addressed to me direct

Yours faithfully,

For Deputy Commissioner,
Chikmagalur District
Absent from Headquarters.

No L 3920/16 10 Ces 17 7 32/mk

To

The A C Chickmagalur Dist

Subj petition of Sri T V Basappa against the orders of the president declaring his seat in the M L A Tarikere as Vacant

Sir,

With reference to the correspondence ending with ~~the~~ letter ~~the~~ No DC 20/Ces Leg of 21-9-Ces from the President Tarikere Town M L A on the above subject, I am directed to forward the entire file of records received from the president in the matter and to request you to furnish your opinion

18

in the matter [illegible]

I can [illegible] The records may be returned
with your reply

Records accompany
to be retransmitted
with opinion

Yours faithfully
for
Hon Secretary
Bar
4/10 Bombay

23

No A3 C 731/47-48

Office of the Deputy Commissioner,
Chikmagalur District,
Dated, Chikmagalur, 22nd October 1948

3309/mt

To

The Secretary
to Government of Mysore,
Revenue Department, Bangalore

Sir,

Re - Petition of Sri T D Dasappa regarding declaration of his seat in the Tarikere Town Municipal Council as vacant.-

I write to state that the records said to have been forwarded with your letter No L 3920 dated 16th October 1948 on the above, have not been received in this Office and to request you kindly to send the same for reference.

Yours Faithfully,

Deputy Commissioner,
Chikmagalur District.

Date 24/10

I MB

No L 4434/12 20

28/10/48

To

The D.C. Chickmagalur Dist

C.E. SECRETARY
1948

Subj petn/Sri T-D Ramappa against the declaration of the seat vacant in the Mel of Tarikere

Sir

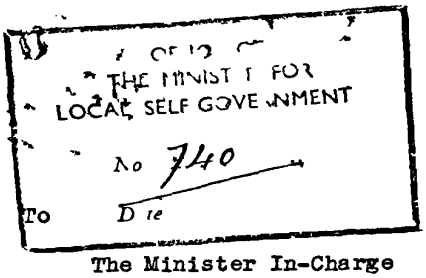
In continuation of this office letter No L 3920 dated 16-10-48 on the above subject, I am directed to forward herewith the records connected therewith and to request you to ~~in the matter~~, to be returned with the Panchama with your report. Yours very obt

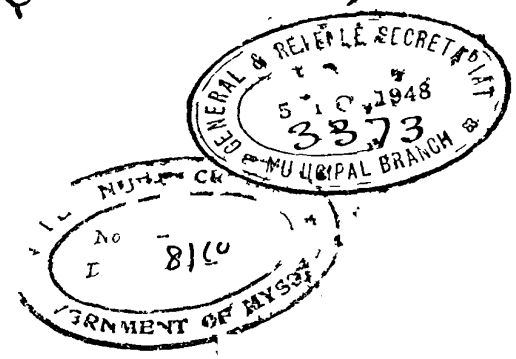
Yours faithfully

for Regr Secy to Govt

Asst
28/10

ಮು ಕಾ ಸ್ವ ೩೩೭೩/೪೮





The Minister In-Charge
Local Self Department,
Bangalore

Respected Sir,

I, the undersigned T D Dasappa, son of Doddavenkataramanappa Devanga aged about 61 years, District Board Member, Land Lord and Cloth Merchant residing in Tarikere Town Chickmagalur District, beg to represent the following few lines for favourable considerations -

63

That I have been a member of the Tarikere Town Municipal Council for the past 24 years On 22-7-1948 I have been served with an endorsement K161/47-48 informing me that I am disabled from continuing a Councillor of the Municipality on the score that I have defaulted to pay arrears of Rs 11-4-0 being the balance of tax payable by me in spite of the special notice

I have preferred a separate Petition to your-goodself on 9th Aug 1948 explaining how I am not a defaulter and how the order passed by the Ex-officio President Tarikere is incorrect Your goodself was pleased to order stay of the said order disabling me to continue as Councillor and accordingly the next proposed Elections for electing a fresh candidate for my vacant seat was stayed But I pray, that status-quoAnte has yet to be maintained by serving me with notices for attending the Municipal Meetings as usual, pending of course final disposal of the case Also I pray that my case before your goodself filed on 9-8-1948 may kindly be expedited and the same disposed or early on merits

Please put up the file of Tarikere or get a report from the D C Chickmagalur ok 19/9/48

Rec'd) received here on 29 10 48 for 30/10/48

Begging to be excused for the trouble

Yours faithfully,
ಟಿ. ಡಿ. ದಾಸಪ್ಪ
15-9-48

D O No L 4967/6-11 48

22 ior, m 1948

Dear Sir,

I am desired to refer to the letter No L 3920/d 16/10/48, calling for a report on the petition of Sri T D Dasappa in regard to the declaration of his seat as vacant in the Tarikere Municipal Council, Tarikere, and to request that the report called for therein may be kindly forwarded very early.

Yours sincerely

for

Dr K P Nanjundaiah M A

Dy Chickmagalur 6/11/48

(By name)

MR 58-48-25

Office of the Deputy Commissioner,
Chikmagalur District,
Dated, Chikmagalur 10th November 1948

No A3 C 731/47-48
(Encls Records)

To

The Secretary
to Government of Mysore,
Revenue Department, Bangalore

SECRETARIAT
15 NOV 1948
3670
MUNICIPAL BRANCH

Sir,

Re - Petition of Sri T.D Dasappa of Tarikere against the declaration of his Seat in the Town Municipal - as vacant.

Adverting to the correspondence ending with your letter No L 4434 dated 28th October 1948 on the above, I write to state as follows -

A Special notice requesting Sri T.D.Dasappa, Member of the Tarikere Town Municipal Council to clear the arrears of Rs 48-11-0 due by him to the Municipality was served on 29-2-1948 the Councillor paid a sum of Rs 37-9-0 on 7-5-1948 protesting that the balance of Rs 11-2-0 was not due from him and has also petitioned the Municipal Council on 15-3-1948 and 12-6-1948 in this behalf

Against the order of the Ex-Officio President declaring his seat vacant under Section 12(2)(c) of the Town Municipal Act, an appeal has been preferred to the Government by Sri T.D Dasappa. The contentions of the appellant are that the sum of Rs 10/-, being the balance of Shop Tax for the years 1946-1947 and 1947-48, based on the enhanced rate of Shop Tax, was a wrong demand and that balance Viz Re 1-2-0 was due from Sri Basappa to whom he has transferred the site in question during the year 1944 itself

The point for kind consideration is whether the Municipal Councillor was responsible for the sum of Rs 11-2-0 as per the Special notice It is seen from paragraph 4 of the President's report to Government that the question of reconsidering the levy of revised rates of Shop Tax was actually pending before the Municipal Council till 3-6-1948, when it was resolved to be reduced to the former level in view of the representations from the merchants and that therefore it was a wrong demand against the Councillor, who cannot therefore be considered as a defaulter in respect of the said sum of Rs 10/-

With regard to the other amount Viz Re 1-2-0 being the

arrears

the arrears of assessment on the site, which stood originally in the name of the Municipal Councillor and was subsequently transferred to Sri Bacappa as per the conveyance deed enclosed with [redacted] the records, it may be seen that no written notice as required by Sub Section (1) of Section 73 of the Town Municipal Act was given by the parties in the absence of which the liability for the payment of tax continued to vest in the transferor under Section 76(1) of the same Act It may also be seen from the records that the Bill Collector has admitted having been apprised of the fact of transfer on 7-5-1948 This was referred to by the Municipal Councillor in his letter dated 12-6-1948, while the order appealed against is dated 22nd July 1948, which discloses that there was ample time for necessary enquiry into the matter, but that the order has been passed without considering this aspect

In the above circumstances, I am of opinion that the order of the Ex-Officio President, Town Municipal Council, Sankeri, which seems to have been based apparently on the position of the Councillor at the expiry of 3 months time from the date of Special notice, has affected the Councillor

Yours Faithfully,

K P Ramanaiah

Deputy Commissioner,
Chikmagalur District

I I B/2

Draft II — 3 Copies Dt 5-5-53 R 23-11-48 25-23-11548

Dy Secretary granted to 48-26

Mr 58-48-27 Salvar Dt

Sri T D Dasappa

Municipal Councillor

Tamilcore

Sir,

With reference to his petition dated 9-8-48 addressed to the Minister for Local Affairs through the Municipal Counsel Sri V K Govindarajulu, against the orders of the Executive Officer Town Panchayat Tamilcore in declaring his seat vacant on the Municipal Council, Mr. D Dasappa, is informed that ~~I am directed to state that orders have been communicated to the Municipal Council stating that Sri T D Dasappa~~ orders

24

26 setting aside the orders of the
Chief Pdt Tamilvanan MLA
have been set aside and you
~~Shri D Devappa was a contractor~~
as MLA councillor

And that he is
declared as
To
MLA forthwith
disqualified from
continuing as
a member
of the said MLA

for Secretary
Asst
22/11

We enclose herewith
letter addressed
returned

Nos 55565
A23118

Memorandum (1)
dated 58 27
Chief Secretary
to
President Tamilvanan MLA
for information
to
the Secretary

ಪತ್ರಿಕೆ — No L 5551 dt 23-11-48

To Mh 58-48-26

The Dt Chickmagalur Dist

—

Subj petn ಶ್ರೀ T. V. Ramappa against the order of the Pdt Tarikere M. C, declaring the seat of Sri T. V. Ramappa a member vacated as vacant in the M. C.

Sir

With reference to your letter No A3 C 731/47-48 dated 10-11-48 on the above subject, I am directed to state that, as there are not sufficient grounds to disqualify Sri T. V. Ramappa ~~as~~ Councillor, Tarikere Town M. C the order of the Ex-officio president, Tarikere Town M. C dated 16-7-48 disabling him from continuing as a member of the M. C is set-aside and Sri T. V. Ramappa has been hereby declared as not to have incurred any disability from ~~disabled~~ to continue ~~in the M. C~~ as a Councillor

Thirdly,

Records accompany

Yours faithfully

for Registrar

Any
No L 5552/ml 58-68-26 22/4
23-11-68

Copy to the path Taluka Mgt
W/c for information

Rs. 0

for Registrar

Any
22/11 22/11

30.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of Origin

29.

C 3

INVEST WISELY Buy NATIONAL SAVINGS CERTIFICATES

24/11/48

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Received here at ____ M.

X [illegible] Tanuku 24 [illegible]
Application [illegible] Secretary [illegible]
department [illegible] Postmaster Office [illegible]
endorsement [illegible] to reinstate [illegible]
[illegible]

This form must accompany any inquiry respecting this telegram.

U P B W—5[illegible]